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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/692,345 435
Filing Date	10-19-2000
First Named Inventor	Mark Olijnyk et al.
Art Unit	2872
Examiner Name	Mark A. Robinson
Attorney Docket Number	SCH-00027

Total Number of Pages in This Submission

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ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input checked="" type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
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<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	Applicant believes no fee to be due for the attached filing, however, should additional fees be due in order to prevent the abandonment of this application, please consider this as authorization to charge Deposit Account No. 501612 (Warn, Burgess & Hoffmann, P.C.) for any such fees due. A duplicate copy of this document is enclosed for this purpose.	

10/15/2003
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	Warn, Burgess & Hoffmann, P.C. John A. Miller - Reg No. 34985
Signature	<i>John A. Miller</i>
Date	7-8-03

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Match and Return

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 09/692,242 **435**
Filing Date: October 19, 2000
Applicant: Mark Olijnyk et al.
Group Art Unit: 2872
Examiner: Mark A. Robinson
Title: Exterior Mirror
Attorney Docket: SCH-00027

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**PETITION UNDER 37 C.F.R. 1.181 TO WITHDRAW
THE EXAMINER'S HOLDING THAT THE REPLY FILED ON 1/31/03
IS NOT FULLY RESPONSIVE TO THE PRIOR OFFICE ACTION**

Applicant hereby petitions the Commissioner to withdraw the Examiner's communication mailed April 14, 2003, paper 18, holding that the reply filed on 1/31/03 is not fully responsive to the prior office action, and to have the reply be considered. It is believed that no petition fee is required. If, however, a Petition fee is required, the Commissioner is hereby authorized to charge Deposit Account No. 501612 the proper petition fee. A duplicate copy of this petition is provided for this purpose.

This application was the subject of a ten-way restriction requirement in a paper mailed June 12, 2001. In that restriction requirement, the Examiner identified the following groups:

Match and Return



- I. Claims 2, 6, 18, drawn to an exterior mirror with specifics of the folding feature, classified in class 359, subclass 838+.
- II. Claims 3, 4, drawn to an exterior mirror with specifics of the extending mechanism, classified in class 359, subclass 838+.
- III. Claims 5, 12, drawn to an exterior mirror with specifics of a bump strip, classified in class 359, subclass 838+.
- IV. Claims 7, 8, drawn to an exterior mirror with specifics of the spot lights, classified in class 359, subclass 838+.
- V. Claims 9, 17, drawn to an exterior mirror with specifics of the antenna mount/housing, classified in class 359, subclass 838+.
- VI. Claim 10, drawn to an exterior mirror with specifics of the microphone/speaker system, classified in class 359, subclass 838+.
- VII. Claim 11, drawn to an exterior mirror with specifics of the power receptacle, classified in class 359, subclass 838+.
- VIII. Claim 13, drawn to an exterior mirror with specifics of the accessory attachment, classified in class 359, subclass 838.

IX. Claim 19, drawn to an exterior mirror with specifics of the control module, classified in class 359, subclass 838+.

X. Claims 14-16, drawn to an exterior mirror with specifics of the storage cavity, classified in class 359, subclass 838+.

It appears that these ten allegedly distinct inventions are all classified in the same class and subclass. The Examiner indicated that claim 1 links the inventions of Groups I-IX, and claim 6 links the inventions of Groups IV-XIII. However, the invention of Group I includes claim 6 and is directed to an exterior mirror including specifics of the folding feature. Applicant elected Group VI, Claim 10, with traverse.

Prior to the Response filed 1/31/03, claim 1 had been amended twice to read as follows:

1. An exterior mirror for a vehicle comprising:
a mirror housing assembly including a reflective element normally facing in a direction for viewing rearward; and
a folding mechanism operably folding and maintaining the mirror in forward direction whereby the overall width dimension of the vehicle is reduced.

In response to the Examiner's Office Action mailed November 1, 2002, Applicant amended independent claim 1 to read as follows:

1. An exterior mirror for a vehicle comprising:
a mirror housing assembly including a reflective element normally facing in a direction for viewing rearward; and
an electrically powered folding mechanism operably folding and maintaining the mirror between a rearward and a forward direction, wherein the mirror housing is operable to travel a greater distance in the forward direction relative to the distance traveled in the rearward direction, whereby the overall width dimension of the vehicle is reduced.

Applicant submits that this amendment to independent claim 1 is supported by the specification, at least at page 9, line 26 - page 10, line 15, discussing figure 7.

In the communication mailed April 14, 2003, the Examiner stated that the reply filed on 1/31/03 is not fully responsive to the prior office action because the amendments to claim 1, "are directed to an invention that is independent or distinct from the originally elected invention. These amendments are directed to the specifics of the folding feature of the mirror system which was contained in the non-elected invention I as set forth in the restriction requirement. Accordingly, all claims currently pending are directed to non-elected subject matter."

Applicant respectfully submits the Examiner has improperly held that the amendment is non-responsive because it is directed to a non-elected invention. Prior to the Response in question, claim 1 included a folding mechanism that folded and maintained the mirror in a forward direction. The invention of Group I, specifically

claims 2, 6 and 18, claiming the folding feature did not include the language added to independent claim 1 by the allegedly non-responsive amendment, particularly that the folding mechanism is electrically powered, and that the folding mechanism causes the mirror housing to travel a greater distance in the forward direction relative to the distance traveled in the rearward direction. In other words, the limitations of the amendment to claim 1 was not part of a non-elected invention, but was part of an element already claimed in linking claim 1. Applicant submits that it is proper to further define an already existing element in a pending claim based on language supported in the specification. Original claim 1 was held to be a linking claim for Group VI, and included a folded mechanism for folding the mirror in a forward direction. Applicant respectfully submits that the Examiner has improperly held that the amendments of the January 31, 2003 Response were directed to a non-elected invention. Accordingly, it is respectfully requested that the Response filed on January 31, 2003 be considered.

Respectfully submitted,

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